

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**BOARD OF TRUSTEES OF THE
OHIO LABORERS BENEFITS,**

Plaintiff,

v.

KARNAK CONCRETE LLC,

Defendant.

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Case No. 2:20-cv-1210

Chief Judge Algenon L. Marbley

Magistrate Judge Elizabeth P. Deavers

ORDER OF CONTEMPT

On January 5, 2022, the United States Magistrate Judge issued a Report and Recommendation (ECF No. 37) that the Court hold Defendant and its authorized representative, Mr. Kristian Ramsey, in civil contempt of court. According to the Report, Defendant failed to respond to document requests and to appear at a scheduled Rule 30(b)(6) deposition, both in violation of the Court’s discovery order dated April 15, 2020. (*Id.* at 1; *see* ECF No. 9).¹ Then, Defendant and Mr. Ramsey failed to attend the Court’s show-cause hearing on November 10, 2021, despite apparently valid service of the show-cause order. (ECF No. 37 at 2; *see* ECF Nos. 34, 35). Notably, the Court’s order warned “that, should they fail to appear and show cause, ***the Court may order the arrest of Mr. Ramsey.***” (ECF No. 34 at 2, emphasis original). Defendant also did not exercise its opportunity to file objections to the Magistrate Judge’s Report and Recommendation, again despite apparently valid service. (*See* ECF No. 38).

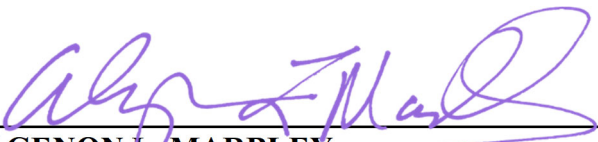
The Court concurs with the Recommendation. Defendant’s evasion of discovery has caused this case to languish at Plaintiff’s detriment, and its disregard of multiple Court orders is

¹ Defendant also failed to answer the Complaint, prompting the Clerk to enter its default on April 15, 2020. (ECF No. 7). Defendant has yet to make any appearance in this case.

plainly contemptuous. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 37) and holds Defendant and Mr. Kristian Ramsey in **CONTEMPT OF COURT**. The Court advises that, unless Defendant complies with the Court's discovery order (ECF No. 9) within **21 days**, a warrant will issue for the **ARREST** of Mr. Ramsey, and he will be **IMPRISONED** for civil contempt until such time as Defendant complies with the order. Defendant may purge itself of contempt at any time and avoid issuance of an arrest warrant by complying promptly with the discovery order. Finally, the Court holds Defendant **LIABLE** for Plaintiff's reasonable expenses and attorney's fees associated with its Motion for Order to Show Cause (ECF No. 13), as compensation for Defendant's noncompliance.

The Clerk **SHALL** send a copy of this Order, together with the Report & Recommendation (ECF No. 37) and the discovery order (ECF No. 9), via regular and certified mail, to Karnak Concrete, LLC, c/o Kristian A. Ramsey, S.A., 2678 Morrow Place, Cincinnati, Ohio 45204; and shall indicate so on the docket. Furthermore, Plaintiff's counsel **SHALL** attempt personal service on Defendant and Mr. Ramsey of the same documents, through a process server, and shall indicate its attempt(s) on the docket within **7 days**. Plaintiff's reasonable expenses and attorney's fees associated with this service shall be shifted to Defendant.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: June 23, 2022